

AN ACT in relation to violence against women.

WHEREAS, Recent national studies demonstrate that women in the United States continue to be greatly harmed by gender-related violence such as domestic violence, which is disproportionately visited upon women by men, and sexual abuse, which harms many women and children without being reported or prosecuted; and

WHEREAS, It is documented that existing State and federal laws have not provided adequate remedies to women survivors of domestic violence and sexual abuse; and

WHEREAS, Women survivors of domestic violence oftentimes have found laws against domestic violence used against them by their batterers; and

WHEREAS, The United States Supreme Court has ruled that the states alone have the authority to grant civil relief to the survivors of such sexually discriminatory violence; and

WHEREAS, Such acts of gender-related violence are a form of sex discrimination; therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Gender Violence Act.

Section 5. Definition. In this Act, "gender-related violence", which is a form of sex discrimination, means the following:

(1) One or more acts of violence or physical aggression satisfying the elements of battery under the laws of Illinois that are committed, at least in part, on the basis of a person's sex, whether or not those acts

have resulted in criminal charges, prosecution, or conviction.

(2) A physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of battery under the laws of Illinois, whether or not the act or acts resulted in criminal charges, prosecution, or conviction.

(3) A threat of an act described in item (1) or (2) causing a realistic apprehension that the originator of the threat will commit the act.

Section 10. Cause of action. Any person who has been subjected to gender-related violence as defined in Section 5 may bring a civil action for damages, injunctive relief, or other appropriate relief against a person or persons perpetrating that gender-related violence. For purposes of this Section, "perpetrating" means either personally committing the gender-related violence or personally encouraging or assisting the act or acts of gender-related violence.

Section 15. Relief. In an action brought under this Act, the court may award damages, injunctive relief, or other appropriate relief. The court may award actual damages, damages for emotional distress, or punitive damages. A judgment may also include attorney's fees and costs.

Section 20. Limitation. An action based on gender-related violence as defined in paragraph (1) or (2) of Section 5 must be commenced within 7 years after the cause of action accrued, except that if the person entitled to bring the action was a minor at the time the cause of action accrued, the action must be commenced within 7 years after the person reaches the age of 18. An action based on

gender-related violence as defined in paragraph (3) of Section 5 must be commenced within 2 years after the cause of action accrued, except that if the person entitled to bring the action was a minor at the time the cause of action accrued, the action must be commenced within 2 years after the person reaches the age of 18.

Section 98. Applicability. This Act applies only to causes of action accruing on or after its effective date.